

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY, INC.
PRODUCTS LIABILITY
LITIGATION

This Document Relates To:

MDL No. 1:13-md-2419-FDS

All Actions

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MOTION FOR EXTENSION OF TIME TO FILE PROOF OF CLAIM

Non-party Carlos Jassir, M.D., Pain Management Center of West Orange, by and through undersigned counsel, files his Motion for Extension of Time to file Proof of Claim in the bankruptcy matter pursuant to the Court's August 15, 2013 Order. (See Dkt. 394) In support thereof, Carlos Jassir, M.D., Pain Management Center of West Orange avers:

1. The undersigned is aware of a handful of patients that were given NECC products. As of the date of this motion, none of those patients has filed suit against Dr. Jassir and thus it is unclear: (1) whether any potential un-liquidated claims will be brought against Dr. Jassir; and (2) whether potential claims will entail products liability, negligence, and/or medical malpractice counts. As such, it is likely that Dr. Jassir may have claims against NECC's estate related to NECC's products and future claims against Dr. Jassir related to his administration of NECC products.

2. Given the lack of information regarding theories of recovery against Dr. Jassir and the amounts of any claimed damages, more information and time is needed file a Proof of Claim in the bankruptcy matter. See *In re: New England Compounding*

Pharmacy, Inc., Case No, 12-19882-HJB (Bankr. D. Mass.). As noted, *supra*, the Court's August 15, 2013 Order requires participants opting into the Mediation Program to file a Proof of Claim within ten (10) days, which in Dr. Jassir's case, is up to and including October 4, 2013.

3. The bankruptcy court overseeing NECC's Chapter 11 matter recently set a Bar Date of January 15, 2014. Therefore, granting a thirty (30) day extension of time to file a Proof of Claim would not delay the bankruptcy case or prejudice any parties thereto. Such an extension would also allow Dr. Jassir, Pain Management Center of West Orange, time to acquire additional information regarding the nature and extent of future/potential claims.

4. Good cause exists to grant the requested extension of time as it would enable Dr. Jassir, Pain Management Center of West Orange to file a meaningful Proof of Claim and would not prejudice any party.

Rule 7.1(a)(2) certification regarding conciliation: Pursuant to D. MASS. L. R. 7.1(a)(2), counsel for Dr. Jssir conferred with counsel for PSC for the Florida Region—attorney Mark Zamora—who advised he did not believe the PSC and other parties to the Mediation Program would object to the requested relief. Following that telephone conference, counsel for Dr. Jassir followed up in written correspondence inquiring as to whether the instant motion is opposed. As of the date of this Motion, undersigned counsel has not received a response.

WHEREFORE, the undersigned respectfully requests that the Court grant a thirty (30) day extension of up to and including November 4, 2013 for Carlos Jassir, M.D.,

Pain Management Center of West Orange to file a Proof of Claim as an unaffiliated Non-Debtor Claimant/affiliate.

Dated: October 4, 2013.

s/ Richards H. Ford

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been furnished to chambers via e-mail on October 4, 2013 as the undersigned has not yet received a CM/ECF log-in and password or been admitted *pro hac vice*.

s/ Richards H. Ford

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